

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Flood  
5 Prevention District Act.

6 Section 5. Creation; purpose.

7 (a) Madison, Monroe, and St. Clair Counties may each be  
8 designated independently and separately as a flood prevention  
9 district for the purpose of performing emergency levee repair  
10 and flood prevention in order to prevent the loss of life or  
11 property. The county board of any such county may declare an  
12 emergency and create a flood prevention district by the  
13 affirmative vote of the majority of the members of the county  
14 board.

15 (b) Two or more flood prevention districts may join  
16 together through an intergovernmental agreement, pursuant to  
17 the Intergovernmental Cooperation Act.

18 (c) Any district created under this Act shall be dissolved  
19 upon the later of (i) 25 years after the date the district is  
20 created or (ii) the payment of all obligations of the district  
21 under Section 20 of this Act and any federal reimbursement  
22 moneys to the county treasurer under Section 30 of this Act. A  
23 district may be dissolved earlier if all federal reimbursement

1 moneys have been paid to the county treasurer and all  
2 obligations of the district have been paid, including its  
3 obligations related to bonds issued under Section 20 of this  
4 Act and any obligations incurred pursuant to an  
5 intergovernmental agreement.

6 Section 10. Commissioners.

7 The affairs of the district shall be managed by a board of  
8 3 commissioners who shall be appointed by the chairman of the  
9 county board of the county in which the district is situated.  
10 All initial appointments under this Section must be made within  
11 90 days after the district is organized. Of the initial  
12 appointments, one commissioner shall serve for a one-year term,  
13 one commissioner shall serve for a 2-year term, and one  
14 commissioner shall serve for a 3-year term, as determined by  
15 lot. Their successors shall be appointed for 3-year terms. No  
16 commissioner may serve for more than 20 years. All appointments  
17 must be made so that no more than 2 commissioners are from the  
18 same political party at the time of the appointment. With  
19 respect to appointments representing the minority party in the  
20 county, the minority party members of the county board may  
21 submit names for consideration to the chairman of the county  
22 board. Each commissioner must be a legal voter in the district,  
23 and at least one commissioner shall reside or own property that  
24 is located within a floodplain situated in the territory of the  
25 flood protection district. Commissioners shall serve without

1 compensation, but may be reimbursed for reasonable expenses  
2 incurred in the performance of their duties.

3 Section 20. Powers of the district. A district formed under  
4 this Act shall have the following powers:

5 (1) To sue or be sued.

6 (2) To apply for and accept gifts, grants, and loans  
7 from any public agency or private entity.

8 (3) To enter into intergovernmental agreements to  
9 further ensure levee repair, levee construction or  
10 reconstruction, and flood prevention, including agreements  
11 with the United States Army Corps of Engineers or any other  
12 agency or department of the federal government.

13 (4) To undertake evaluation, planning, design,  
14 construction, and related activities that are determined  
15 to be urgently needed to stabilize, repair, restore,  
16 improve, or replace existing levees and other flood control  
17 systems.

18 (5) To address underseepage problems and old and  
19 deteriorating pumps, gates, pipes, electrical controls,  
20 and other infrastructure.

21 (6) To conduct evaluations of levees and other flood  
22 control facilities that protect urban areas, including the  
23 performance of floodplain mapping studies.

24 (7) To provide capital moneys for levee or  
25 river-related scientific studies, including the

1 construction of facilities for such purposes.

2 (8) To borrow money or receive money from the United  
3 States Government or any agency thereof, or from any other  
4 public or private source, for the purposes of the District.

5 (9) To enter into agreements with private property  
6 owners.

7 (10) To issue revenue bonds, payable from revenue  
8 received from a retailers' occupation tax imposed under  
9 Section 25 of this Act, and from any other revenue sources  
10 available to the flood prevention district. These bonds may  
11 be issued with maturities not exceeding 25 years from the  
12 date of the bonds, and in such amounts as may be necessary  
13 to provide sufficient funds, together with interest, for  
14 the purposes of the District. These bonds shall bear  
15 interest at a rate of not more than the maximum rate  
16 authorized by the Bond Authorization Act, as amended at the  
17 time of the making of the contract of sale, payable  
18 semi-annually, may be made registerable as to principal,  
19 and may be made payable and callable as provided on any  
20 date at a price of par and accrued interest under such  
21 terms and conditions as may be fixed by the ordinance  
22 authorizing the issuance of the bonds. Bonds issued under  
23 this Section are negotiable instruments. In case any  
24 officer whose signature appears on the bonds or coupons  
25 ceases to hold that office before the bonds are delivered,  
26 such officer's signature shall nevertheless be valid and

1 sufficient for all purposes the same as though such officer  
2 had remained in office until the bonds were delivered. The  
3 bonds shall be sold in such manner and upon such terms as  
4 the board of commissioners shall determine, except that the  
5 selling price shall be such that the interest cost to the  
6 District of the proceeds of the bonds shall not exceed the  
7 maximum rate authorized by the Bond Authorization Act, as  
8 amended at the time of the making of the contract of sale,  
9 payable semi-annually, computed to maturity according to  
10 the standard table of bond values. A request to issue  
11 revenue bonds by the Commission must be submitted for  
12 approval to the county board of the county in which the  
13 district is situated. The county board has 30 calendar days  
14 to approve the issuance of such bonds. If the county board  
15 does not approve or disapprove the issuance of the bonds  
16 within 30 calendar days after the receipt of such request,  
17 the request shall be deemed approved.

18 (11) To acquire property by gift, grant, or eminent  
19 domain, in accordance with the Eminent Domain Act. Any  
20 action by the District to acquire property by eminent  
21 domain requires the express approval of the county board.

22 (12) To retain professional staff to carry out the  
23 functions of the District. Any flood prevention district  
24 shall employ a Chief Supervisor of Construction and the  
25 Works with appropriate professional qualifications,  
26 including a degree in engineering, construction,

1 hydrology, or a related field, or an equivalent combination  
2 of education and experience. The Chief Supervisor of  
3 Construction and the Works shall be vested with the  
4 authority to carry out the duties and mission of the Flood  
5 Prevention District, pursuant to the direction and  
6 supervision of the Board of Commissioners. The Chief  
7 Supervisor of Construction and the Works may hire  
8 additional staff as necessary to carry out the duties and  
9 mission of the district, including administrative support  
10 personnel. Two or more districts may, through an  
11 intergovernmental agreement, share the services of a Chief  
12 Supervisor of Construction and the Works, support staff, or  
13 both. If 2 districts are adjoining and share a common  
14 federal levee, they must retain the services of the same  
15 person as Chief Supervisor of Construction and the Works.

16 (13) To conduct an audit of any drainage, levee, or  
17 sanitary district within the territory of the flood  
18 prevention district.

19 Section 25. Retailers' occupation tax.

20 (a) If the Board of a flood prevention district determines  
21 that an emergency situation exists regarding levee repair or  
22 flood prevention, and upon an ordinance or resolution adopted  
23 by the affirmative vote of a majority of the members of the  
24 county board of the county in which the district is situated,  
25 it may impose a retailers' occupation tax upon all persons

1 engaged in the business of selling tangible personal property  
2 at retail within the territory of the district for a period not  
3 to exceed 25 years or as required to repay the bonds issued  
4 pursuant to Section 20 of this Act. The tax rate shall be 0.25%  
5 of the gross receipts from all taxable sales made in the course  
6 of that business. The tax imposed under this Section and all  
7 civil penalties that may be assessed as an incident thereof  
8 shall be collected and enforced by the State Department of  
9 Revenue. The Department shall have full power to administer and  
10 enforce this Section; to collect all taxes and penalties so  
11 collected in the manner hereinafter provided; and to determine  
12 all rights to credit memoranda arising on account of the  
13 erroneous payment of tax or penalty hereunder.

14 In the administration of and compliance with this  
15 subsection, the Department and persons who are subject to this  
16 subsection (i) have the same rights, remedies, privileges,  
17 immunities, powers, and duties, (ii) are subject to the same  
18 conditions, restrictions, limitations, penalties, and  
19 definitions of terms, and (iii) shall employ the same modes of  
20 procedure as are set forth in Sections 1 through 1o, 2 through  
21 2-70 (in respect to all provisions contained in those Sections  
22 other than the State rate of tax), 2a through 2h, 3 (except as  
23 to the disposition of taxes and penalties collected), 4, 5, 5a,  
24 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10,  
25 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and  
26 all provisions of the Uniform Penalty and Interest Act as if

1 those provisions were set forth in this subsection.

2 Persons subject to any tax imposed under this Section may  
3 reimburse themselves for their seller's tax liability  
4 hereunder by separately stating the tax as an additional  
5 charge, which charge may be stated in combination in a single  
6 amount with State taxes that sellers are required to collect  
7 under the Use Tax Act, under any bracket schedules the  
8 Department may prescribe.

9 If a tax is imposed under this subsection (a), a tax shall  
10 also be imposed under subsection (b) of this Section.

11 (b) If a tax has been imposed under subsection (a), a  
12 service occupation tax shall also be imposed upon all persons  
13 within the territory of the district engaged in the business of  
14 making sales of service, who, as an incident to making the  
15 sales of service, transfer tangible personal property within  
16 the territory of the district, either in the form of tangible  
17 personal property or in the form of real estate as an incident  
18 to a sale of service. The tax rate shall be 0.25% of the  
19 selling price of all tangible personal property transferred.

20 The tax imposed under this subsection and all civil  
21 penalties that may be assessed as an incident thereof shall be  
22 collected and enforced by the State Department of Revenue. The  
23 Department shall have full power to administer and enforce this  
24 subsection; to collect all taxes and penalties due hereunder;  
25 to dispose of taxes and penalties collected in the manner  
26 hereinafter provided; and to determine all rights to credit

1 memoranda arising on account of the erroneous payment of tax or  
2 penalty hereunder.

3 In the administration of and compliance with this  
4 subsection, the Department and persons who are subject to this  
5 subsection (i) have the same rights, remedies, privileges,  
6 immunities, powers, and duties, (ii) be subject to the same  
7 conditions, restrictions, limitations, penalties, and  
8 definitions of terms, and (iii) employ the same modes of  
9 procedure as are set forth in Sections 2 (except that that  
10 reference to State in the definition of supplier maintaining a  
11 place of business in this State means the district), 2a through  
12 2d, 3 through 3-50 (in respect to all provisions contained in  
13 those Sections other than the State rate of tax), 4 (except  
14 that the reference to the State shall be to the district), 5,  
15 7, 8 (except that the jurisdiction to which the tax is a debt  
16 to the extent indicated in that Section 8 is the district), 9  
17 (except as to the disposition of taxes and penalties  
18 collected), 10, 11, 12 (except the reference therein to Section  
19 2b of the Retailers' Occupation Tax Act), 13 (except that any  
20 reference to the State means the district), Section 15, 16, 17,  
21 18, 19, and 20 of the Service Occupation Tax Act and all  
22 provisions of the Uniform Penalty and Interest Act, as fully as  
23 if those provisions were set forth herein.

24 Persons subject to any tax imposed under the authority  
25 granted in this subsection may reimburse themselves for their  
26 serviceman's tax liability hereunder by separately stating the

1 tax as an additional charge, that charge may be stated in  
2 combination in a single amount with State tax that servicemen  
3 are authorized to collect under the Service Use Tax Act, under  
4 any bracket schedules the Department may prescribe.

5 (c) This additional tax may not be imposed on personal  
6 property titled or registered with an agency of the State; food  
7 for human consumption that is to be consumed off the premises  
8 where it is sold (other than alcoholic beverages, soft drinks,  
9 and food that has been prepared for immediate consumption);  
10 prescription and non-prescription medicines, drugs, and  
11 medical appliances; or insulin, urine testing materials, and  
12 syringes and needles used by diabetics.

13 (d) Nothing in this Section shall be construed to authorize  
14 the district to impose a tax upon the privilege of engaging in  
15 any business that under the Constitution of the United States  
16 may not be made the subject of taxation by the State.

17 (e) The certificate of registration that is issued by the  
18 Department to a retailer under the Retailers' Occupation Tax  
19 Act or a serviceman under the Service Occupation Tax Act  
20 permits the retailer or serviceman to engage in a business that  
21 is taxable without registering separately with the Department  
22 under an ordinance or resolution under this Section.

23 (f) The Department shall immediately pay over to the State  
24 Treasurer, ex officio, as trustee, all taxes and penalties  
25 collected under this Section to be deposited into the Flood  
26 Prevention Occupation Tax Fund, which shall be an

1 unappropriated trust fund held outside the State treasury.

2 On or before the 25th day of each calendar month, the  
3 Department shall prepare and certify to the Comptroller that  
4 disbursement of stated sums of money to the counties from which  
5 retailers or servicemen have paid taxes or penalties to the  
6 Department during the second preceding calendar month. The  
7 amount to be paid to each county is equal to the amount (not  
8 including credit memoranda) collected from the county under  
9 this Section during the second preceding calendar month by the  
10 Department, (i) less 2% of that amount, which shall be  
11 deposited into the Tax Compliance and Administration Fund and  
12 shall be used by the Department in administering and enforcing  
13 the provisions of this Section on behalf of the county, (ii)  
14 plus an amount that the Department determines is necessary to  
15 offset any amounts that were erroneously paid to a different  
16 taxing body; (iii) less an amount equal to the amount of  
17 refunds made during the second preceding calendar month by the  
18 Department on behalf of the county; and (iv) less any amount  
19 that the Department determines is necessary to offset any  
20 amounts that were payable to a different taxing body but were  
21 erroneously paid to the county. When certifying the amount of a  
22 monthly disbursement to a county under this Section, the  
23 Department shall increase or decrease the amounts by an amount  
24 necessary to offset any miscalculation of previous  
25 disbursements within the previous 6 months from the time a  
26 miscalculation is discovered.

1           Within 10 days after receipt by the Comptroller from the  
2 Department of the disbursement certification to the counties  
3 provided for in this Section, the Comptroller shall cause the  
4 orders to be drawn for the respective amounts in accordance  
5 with directions contained in the certification.

6           If the Department determines that a refund should be made  
7 under this Section to a claimant instead of issuing a credit  
8 memorandum, then the Department shall notify the Comptroller,  
9 who shall cause the order to be drawn for the amount specified  
10 and to the person named in the notification from the  
11 Department. The refund shall be paid by the Treasurer out of  
12 the Flood Prevention Occupation Tax Fund.

13           (g) If a flood prevention district board imposes a tax  
14 under this Section, then the board shall, by ordinance,  
15 discontinue the tax upon the payment of all bonded indebtedness  
16 of the District. The tax shall not be discontinued until all  
17 bonded indebtedness of the District has been paid.

18           (h) Any ordinance imposing the tax under this Section, or  
19 any ordinance that discontinues the tax, must be certified by  
20 the county clerk and filed with the Illinois Department of  
21 Revenue either (i) on or before the first day of April,  
22 whereupon the Department shall proceed to administer and  
23 enforce the tax or change in the rate as of the first day of  
24 July next following the filing; or (ii) on or before the first  
25 day of October, whereupon the Department shall proceed to  
26 administer and enforce the tax or change in the rate as of the

1 first day of January next following the filing.

2 (j) This Section may be cited as the Flood Prevention  
3 Occupation Tax Law.

4 Section 30. Disbursement of federal funds.

5 (a) Any reimbursements for the construction of flood  
6 protection facilities shall be appropriated to each county  
7 flood prevention district in accordance with the location of  
8 the specific facility for which the federal appropriation is  
9 made.

10 (b) If there are federal reimbursements to a county flood  
11 prevention district for construction of flood protection  
12 facilities that were built using revenues authorized by this  
13 Act, those funds shall be used for early retirement of bonds  
14 issued in accordance with this Act.

15 (c) When all bond obligations of the District have been  
16 paid, any remaining federal reimbursement moneys shall be  
17 remitted to the county treasurer for deposit into a special  
18 fund for the continued long-term maintenance of federal levees  
19 and flood protection facilities, pursuant to the direction of  
20 the county board.

21 Section 35. Financial audit of the Commission. A financial  
22 audit of the Commission shall be conducted annually by a  
23 certified public accountant (CPA) that is licensed at the time  
24 of the audit by the Illinois Department of Financial and

1 Professional Regulation. The CPA shall meet all of the general  
2 standards concerning qualifications, independence, due  
3 professional care, and quality control as required by the  
4 Government Auditing Standards, 1994 Revision, Chapter 3,  
5 including the requirements for continuing professional  
6 education and external peer review. The financial audit is to  
7 be performed in accordance with generally accepted auditing  
8 standards issued by the American Institute of Certified Public  
9 Accountants (AICPA) for field work and reporting, generally  
10 accepted government auditing standards (GAGAS) and AICPA  
11 Statements on Auditing Standards (SAS) current at the time the  
12 audit is commenced. The audit shall be made publicly available  
13 and sent to the county board chairman of the county in which  
14 the district is situated and to the Illinois Secretary of  
15 State.

16 Section 40. Budget of the Commission. The Commission shall  
17 adopt an annual budget by August 31 of each year for the fiscal  
18 year beginning October 1. Such budget shall include expected  
19 revenues by source and expenditures by project or by function  
20 for the following year. The budget must be approved by the  
21 county board of the county in which the district is situated  
22 prior to any expenditure by the Commission for the fiscal year  
23 beginning October 1. The county board must approve or  
24 disapprove the budget of the commission within 30 calendar days  
25 after the budget is received by the county board. If the county

1 board does not act to approve or disapprove the budget within  
2 30 calendar days of receipt, it shall stand as approved.

3 In addition, the Commission shall submit an annual report  
4 to the county board by August 31 of each year detailing the  
5 activities of the district. This report must also include any  
6 information submitted to the flood prevention district by a  
7 drainage, levee, or sanitary district in accordance with  
8 Section 4-45 of the Illinois Drainage Code or Section 2-2 of  
9 the Metro-East Sanitary District Act.

10 Section 45. Procurement. The Commission shall conduct all  
11 procurements in accordance with the requirements of the Local  
12 Government Professional Services Selection Act and any  
13 competitive bid requirements contained in Section 5-1022 of the  
14 Counties Code.

15 Section 50. Contracts for construction. A request for any  
16 construction contract of more than \$10,000 by the Commission  
17 must be submitted for approval to the county board of the  
18 county in which the district is situated. The county board has  
19 30 calendar days to approve the construction contract. If the  
20 county board does not approve or disapprove the construction  
21 contract within 30 calendar days after the receipt of such  
22 request, the request shall be deemed approved.

23 Section 60. The Intergovernmental Cooperation Act is

1 amended by adding Section 3.9 as follows:

2 (5 ILCS 220/3.9 new)

3 Sec. 3.9. Flood prevention. Two or more county flood  
4 prevention districts may enter into an intergovernmental  
5 agreement to provide any services authorized in the Flood  
6 Prevention District Act.

7 Section 70. The Illinois Governmental Ethics Act is amended  
8 by changing Section 4A-101 as follows:

9 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

10 Sec. 4A-101. Persons required to file. The following  
11 persons shall file verified written statements of economic  
12 interests, as provided in this Article:

13 (a) Members of the General Assembly and candidates for  
14 nomination or election to the General Assembly.

15 (b) Persons holding an elected office in the Executive  
16 Branch of this State, and candidates for nomination or  
17 election to these offices.

18 (c) Members of a Commission or Board created by the  
19 Illinois Constitution, and candidates for nomination or  
20 election to such Commission or Board.

21 (d) Persons whose appointment to office is subject to  
22 confirmation by the Senate.

23 (e) Holders of, and candidates for nomination or

1 election to, the office of judge or associate judge of the  
2 Circuit Court and the office of judge of the Appellate or  
3 Supreme Court.

4 (f) Persons who are employed by any branch, agency,  
5 authority or board of the government of this State,  
6 including but not limited to, the Illinois State Toll  
7 Highway Authority, the Illinois Housing Development  
8 Authority, the Illinois Community College Board, and  
9 institutions under the jurisdiction of the Board of  
10 Trustees of the University of Illinois, Board of Trustees  
11 of Southern Illinois University, Board of Trustees of  
12 Chicago State University, Board of Trustees of Eastern  
13 Illinois University, Board of Trustees of Governor's State  
14 University, Board of Trustees of Illinois State  
15 University, Board of Trustees of Northeastern Illinois  
16 University, Board of Trustees of Northern Illinois  
17 University, Board of Trustees of Western Illinois  
18 University, or Board of Trustees of the Illinois  
19 Mathematics and Science Academy, and are compensated for  
20 services as employees and not as independent contractors  
21 and who:

22 (1) are, or function as, the head of a department,  
23 commission, board, division, bureau, authority or  
24 other administrative unit within the government of  
25 this State, or who exercise similar authority within  
26 the government of this State;

1           (2) have direct supervisory authority over, or  
2           direct responsibility for the formulation,  
3           negotiation, issuance or execution of contracts  
4           entered into by the State in the amount of \$5,000 or  
5           more;

6           (3) have authority for the issuance or  
7           promulgation of rules and regulations within areas  
8           under the authority of the State;

9           (4) have authority for the approval of  
10          professional licenses;

11          (5) have responsibility with respect to the  
12          financial inspection of regulated nongovernmental  
13          entities;

14          (6) adjudicate, arbitrate, or decide any judicial  
15          or administrative proceeding, or review the  
16          adjudication, arbitration or decision of any judicial  
17          or administrative proceeding within the authority of  
18          the State;

19          (7) have supervisory responsibility for 20 or more  
20          employees of the State; or

21          (8) negotiate, assign, authorize, or grant naming  
22          rights or sponsorship rights regarding any property or  
23          asset of the State, whether real, personal, tangible,  
24          or intangible.

25          (g) Persons who are elected to office in a unit of  
26          local government, and candidates for nomination or

1 election to that office, including regional  
2 superintendents of school districts.

3 (h) Persons appointed to the governing board of a unit  
4 of local government, or of a special district, and persons  
5 appointed to a zoning board, or zoning board of appeals, or  
6 to a regional, county, or municipal plan commission, or to  
7 a board of review of any county, and persons appointed to  
8 the Board of the Metropolitan Pier and Exposition Authority  
9 and any Trustee appointed under Section 22 of the  
10 Metropolitan Pier and Exposition Authority Act, and  
11 persons appointed to a board or commission of a unit of  
12 local government who have authority to authorize the  
13 expenditure of public funds. This subsection does not apply  
14 to members of boards or commissions who function in an  
15 advisory capacity.

16 (i) Persons who are employed by a unit of local  
17 government and are compensated for services as employees  
18 and not as independent contractors and who:

19 (1) are, or function as, the head of a department,  
20 division, bureau, authority or other administrative  
21 unit within the unit of local government, or who  
22 exercise similar authority within the unit of local  
23 government;

24 (2) have direct supervisory authority over, or  
25 direct responsibility for the formulation,  
26 negotiation, issuance or execution of contracts

1 entered into by the unit of local government in the  
2 amount of \$1,000 or greater;

3 (3) have authority to approve licenses and permits  
4 by the unit of local government; this item does not  
5 include employees who function in a ministerial  
6 capacity;

7 (4) adjudicate, arbitrate, or decide any judicial  
8 or administrative proceeding, or review the  
9 adjudication, arbitration or decision of any judicial  
10 or administrative proceeding within the authority of  
11 the unit of local government;

12 (5) have authority to issue or promulgate rules and  
13 regulations within areas under the authority of the  
14 unit of local government; or

15 (6) have supervisory responsibility for 20 or more  
16 employees of the unit of local government.

17 (j) Persons on the Board of Trustees of the Illinois  
18 Mathematics and Science Academy.

19 (k) Persons employed by a school district in positions  
20 that require that person to hold an administrative or a  
21 chief school business official endorsement.

22 (l) Special government agents. A "special government  
23 agent" is a person who is directed, retained, designated,  
24 appointed, or employed, with or without compensation, by or  
25 on behalf of a statewide executive branch constitutional  
26 officer to make an ex parte communication under Section

1 5-50 of the State Officials and Employees Ethics Act or  
2 Section 5-165 of the Illinois Administrative Procedure  
3 Act.

4 (m) Members of the board of commissioners of any flood  
5 prevention district.

6 This Section shall not be construed to prevent any unit of  
7 local government from enacting financial disclosure  
8 requirements that mandate more information than required by  
9 this Act.

10 (Source: P.A. 93-617, eff. 12-9-03; 93-816, eff. 7-27-04.)

11 Section 75. The Illinois Drainage Code is amended by adding  
12 Section 4-45 as follows:

13 (70 ILCS 605/4-45 new)

14 Sec. 4-45. Flood prevention districts; reporting  
15 requirement; control. If a flood prevention district has been  
16 formed under the Flood Prevention District Act, the flood  
17 prevention district shall have the exclusive authority within  
18 such areas as designated by the county board to restore,  
19 improve, upgrade, construct, or reconstruct levees. If any part  
20 of the territory of a drainage district, levee district, or  
21 sanitary district overlaps with the territory of a flood  
22 prevention district, the drainage district, levee district, or  
23 sanitary district shall, at the direction of the county board,  
24 operate under the direction of the board of commissioners of

1 the flood prevention district with respect to the restoration,  
2 improvement, upgrade, construction, or reconstruction of  
3 levees and other flood control systems. At the direction of the  
4 county board, the flood prevention district and its assignees  
5 shall be permitted to utilize any property, easements, or  
6 rights-of-way owned or controlled by the drainage district,  
7 levee district, or sanitary district. In addition, at the  
8 direction of the county board, the board of commissioners of  
9 any such drainage, levee, or sanitary district must comply with  
10 any requests for information by the board of commissioners of  
11 the flood prevention district, including, but not limited to,  
12 requests for information concerning past, present, and future  
13 contracts; employees of the drainage, levee, or sanitary  
14 district; finances of the drainage, levee, or sanitary  
15 district; and other activities of the drainage, levee, or  
16 sanitary district. This information must be submitted to the  
17 board of commissioners of the flood prevention district within  
18 30 days after the request is received. Nothing in this Section  
19 4-45 or in the Flood Prevention District Act shall preclude or  
20 prohibit a drainage district, levee district, or sanitary  
21 district that overlaps the territory of a flood prevention  
22 district from conducting or performing its normal operation and  
23 maintenance of levees under their control, provided such normal  
24 operation and maintenance does not interfere with or inhibit  
25 the restoration, improvement, upgrade, construction, or  
26 reconstruction of levees and other flood control systems by the

1 flood prevention district.

2 Section 80. The Metro-East Sanitary District Act of 1974 is  
3 amended by changing Section 2-2 as follows:

4 (70 ILCS 2905/2-2) (from Ch. 42, par. 502-2)  
5 Sec. 2-2.

6 To lay out, locate, establish and construct one or more  
7 levees or embankments of such size, material and character as  
8 may be required to protect the district against overflow from  
9 any river, or tributary stream, or water-course, and to lay  
10 out, establish and construct all such other or additional  
11 improvements or works as may be auxiliary or incidental  
12 thereto, or promotive of the sanitary purposes contemplated in  
13 this Act; and to maintain, repair, change, enlarge and add to  
14 such levees, embankments, improvements and work as may be  
15 necessary or proper to meet future requirements for the  
16 accomplishment of the purposes aforesaid.

17 To the extent that any part of the territory of the  
18 District overlaps with a flood prevention district that is  
19 formed under the Flood Prevention District Act, the flood  
20 prevention district shall have the exclusive authority to  
21 repair, construct, or reconstruct levees within the territory  
22 of the flood prevention district. The District shall operate  
23 under the direction of the board of commissioners of the flood  
24 prevention district with respect to the repair, construction,

1 or reconstruction of levees within the territory of the flood  
2 prevention district. In addition, the board of the District  
3 must comply with any requests for information by the board of  
4 commissioners of the flood prevention district, including, but  
5 not limited to, requests for information concerning past,  
6 present, and future contracts; employees of the District;  
7 finances of the District; and other activities of the District.  
8 This information must be submitted to the board of  
9 commissioners of the flood prevention district within 30 days  
10 after the request is received.

11 (Source: P.A. 78-1017.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.